

REMARKS

On October 18, 2004, a Notice of Non-Compliant Amendment was mailed apparently because the current rules were being applied to an Amendment that as stated in the Response filed July 23, 2004, was filed on October 20, 2000 upon entering the national phase.

Inappropriate Notice of Non-Compliant Amendment

It is submitted that application of the current rules was inappropriate. The October 20, 2000 Amendment should have been entered by the U.S. Patent and Trademark Office long before the rules came into effect. Requiring the Applicant to not only re-submit the Amendment, but also rewrite it to meet the current rules is unwarranted.

Request for Apology

The undersigned requests that the U.S. Patent and Trademark Office issue a written apology to the applicant acknowledging that two errors have been made in this application, (1) the failure to enter the October 20, 2000 Amendment and (2) the issuance of the Notice of Non-Compliant Amendment requiring that the October 20, 2000 Amendment be rewritten to conform to the current rules.

Entry of Amendment

Despite the inappropriateness of the requirement in the Notice of Non-Compliant Amendment, this Amendment is being submitted to request that the changes in the October 20, 2000 Amendment be made, using the form required by the current rules.

A substitute specification is filed herewith. The substitute specification is accompanied by a marked-up copy of the original specification.

Entry of the Amendment and reconsideration of the claims in light of the Response filed July 23, 2004 are respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/673,746

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11/18/04

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CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on NOVEMBER 18, 2004
STAAS & HALSEY
By: Michelle Bryant
Date: NOVEMBER 18, 2004